

Shelby  
Sullivan  
Thune

Tillis  
Toomey  
Tuberville

Wicker  
Young

## NOT VOTING—1

Kennedy

The nomination was confirmed.

The PRESIDING OFFICER (Mr. LUJÁN). Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The majority whip.

Mr. DURBIN. Mr. President, are we now moving to a cloture vote on Kristen Clarke?

The PRESIDING OFFICER. We have the cloture vote next.

Mr. DURBIN. Mr. President, I ask unanimous consent that there be 2 minutes equally divided for debate in support and opposition to Ms. Clarke.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## NOMINATION OF KRISTEN M. CLARKE

Mr. DURBIN. Mr. President, it is significant that on this day, this anniversary of the death of George Floyd, that we are considering one of the key appointments in the Biden administration to be Assistant Attorney General for the Civil Rights Division.

I urge my colleagues on both sides of the aisle to consider the historic importance of this moment and to support this well-deserving and experienced person to serve our Nation in this capacity. I urge my colleagues to vote aye.

The PRESIDING OFFICER. Who seeks recognition?

Hearing none, all time is yielded back.

## CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant bill clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 124, Kristen M. Clarke, of the District of Columbia, to be an Assistant Attorney General.

Charles E. Schumer, Patty Murray, Alex Padilla, Sheldon Whitehouse, Jeff Merkley, Jack Reed, Debbie Stabenow, Benjamin L. Cardin, Patrick J. Leahy, Elizabeth Warren, Jacky Rosen, Richard Blumenthal, Tina Smith, John W. Hickenlooper, Michael F. Bennet, Tim Kaine, Brian Schatz.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Kristen M. Clarke, of the District of Columbia, to be an Assistant Attorney General, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Louisiana (Mr. KENNEDY).

The yeas and nays resulted—yeas 51, nays 48, as follows:

## [Rollcall Vote No. 202 Ex.]

## YEAS—51

Baldwin	Heinrich	Peters
Bennet	Hickenlooper	Reed
Blumenthal	Hirono	Rosen
Booker	Kaine	Sanders
Brown	Kelly	Schatz
Cantwell	King	Schumer
Cardin	Klobuchar	Shaheen
Carper	Leahy	Sinema
Casey	Luján	Smith
Collins	Manchin	Stabenow
Coons	Markey	Tester
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Feinstein	Murray	Warren
Gillibrand	Ossoff	Whitehouse
Hassan	Padilla	Wyden

## NAYS—48

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Murkowski	Wicker
Fischer	Paul	Young

## NOT VOTING—1

Kennedy

The PRESIDING OFFICER (Ms. SINEMA). On this vote, the yeas are 51, the nays are 48.

The motion is agreed to.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant bill clerk read the nomination of Kristen M. Clarke, of the District of Columbia, to be an Assistant Attorney General.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:03 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

## EXECUTIVE CALENDAR—Resumed

The PRESIDING OFFICER. The Senator from Arkansas.

## NOMINATION OF KRISTEN M. CLARKE

Mr. COTTON. Madam President, today the Senate will vote on Kristen Clarke's nomination to head the Department of Justice's Civil Rights Division—one of the most powerful positions at the Department of Justice. I will, of course, oppose her nomination.

We get a lot of partisan nominees around here. So that is not very surprising. But Ms. Clarke isn't just partisan. She is extremely partisan. She called Senator MURKOWSKI "shameful." She accused Senator MANCHIN of being disingenuous. And she casually slandered 200—200—sitting, Senate-confirmed judges as "white male extremists." If confirmed for this position, she will be entrusted with representing the U.S. Government in front of those very judges—not exactly a credible advocate for our people, if you ask me.

Ms. Clarke's radicalism doesn't stop with ad hominem insults. It thoroughly infects her professional judgment as well. Ms. Clarke has consistently demonstrated that she is more interested in attacking police and calling everybody a racist than finding the facts or reviewing the evidence.

When it comes to racially incendiary cases, she proudly fans the flames of division. Last year, she repeatedly—repeatedly—spread the falsehood that Jacob Blake, who had a knife and was actively resisting arrest, was, in fact, "unarmed" when he was shot by the police. In part because of falsehoods like that one, riots engulfed the city of Kenosha, WI.

She also claimed that Officer Darren Wilson, who shot and killed Michael Brown in Ferguson, MO, was only exonerated "based on racism." When I asked Ms. Clarke if she had reconsidered that unsubstantiated opinion, she pretended not to know enough to answer the question, at first, which is remarkable given that the shooting in Ferguson is one of the most publicized and explosive cases in recent years; also remarkable because she apparently knew enough to tar a grand jury of normal American citizens as yes, once again, racist, but not enough to answer simple questions.

Ms. Clarke's opinion on the Ferguson case sets her apart from other staunch liberals like Vanita Gupta and Eric Holder. Both have acknowledged that Officer Wilson was justified in the use of force, echoing the Obama Department of Justice, which came to the very same conclusion. In defiance of all evidence, in spite of her good friend Ms. Gupta's views, Ms. Clarke still dissents from this conclusion. So I cannot believe it—I am genuinely astonished—but Joe Biden has somehow found a nominee more radical than Vanita Gupta. That is an impressive accomplishment, one that should give Senators who supported Ms. Gupta more than ample ground to oppose Ms. Clarke.

Moreover, Ms. Clarke is a firm and, until very recently, a vocal supporter of defunding the police. Ms. Clarke wrote an article less than a year ago—not some college paper. Less than a year ago, Ms. Clarke wrote an article with "Defund the Police" in the title. She stated: "Must invest less in police" three times in the text of that article. She also wrote: "I advocate for defunding policing operations."

I don't know. Call me naive. Call me simple. When you write an article entitled "Defund the Police" and when you say, "[W]e must invest less in the police" and "I advocate for defunding policing options," it sounds to me like you support defunding the police. But, apparently, I am wrong about that because when she was asked about this at her hearing, Ms. Clarke denied—amazingly, denied—that she supported defunding the police. She claimed that when she wrote that "we should defund the police," she actually meant that we should not defund the police. Astonishingly, she blamed an editor for coming up with the title to her piece but conveniently can't recall what an alternative title she suggested would have been or whether she objected to a title that was apparently the exact opposite of what she intended.

Now, maybe this shouldn't be surprising. After all, her article title was "I prosecuted police killings. Defund the Police—but be Strategic." Apparently, the strategy is lying, because that is what we saw at our committee.

We said: Ms. Clarke, the title of your article is "Defund the Police."

Like, I didn't choose the title.

Ms. Clarke, you wrote three times in the story "defund the police."

She is like: I don't support defunding the police.

But, Ms. Clarke, you wrote here, as well, that we should invest less in the police.

She is like: No, I don't think we should invest less; we should invest more.

The old argument: It is not my dog. It didn't bite you. You kicked him first.

Regardless of what she and her defenders might say, one thing is crystal clear: A vote for Kristen Clarke is a vote to defund the police.

Finally, not surprisingly, we come to Ms. Clarke's consistent dishonesty, duplicity, and evasion throughout her hearing and written statements. In one particularly bizarre incident, Ms. Clarke claimed in her hearing that she was proud to have the endorsement of the National Association of Police Organizations, a group which represents nearly a quarter million law enforcement officers.

Now that would be big news, a huge endorsement. So I asked my staff to get me a copy of the endorsement letter. It turns out they couldn't because it doesn't exist.

Now, that is not good, but people misspeak all the time, especially when under pressure. So I wanted to give Ms. Clarke a chance to correct the record. I asked for clarity in a written question. Thankfully, Ms. Clarke responded that she had misstated the facts.

OK. That is fine, I accept that explanation. Again, people misspeak. No one is perfect. Yet imagine my surprise when I received an answer to another written question that claimed almost verbatim the same thing she had said in her hearing—that she was endorsed by this organization.

She similarly responded to at least three other Senators that she was endorsed by this organization, even after admitting just a few pages earlier in her written answers that she had misstated that she had such an endorsement. At that point, that is not a simple mistake. It is not misspeaking. It is not a fib. It is totally and completely untrue in written testimony to the U.S. Congress. Yet she has not apologized. She has not acknowledged this blatant lie.

This episode sadly proves that she lacks the transparency and honesty to be trusted in such an important position.

You know, my Democratic colleagues have, for the last 4 years, endlessly lectured about the need for the Department of Justice to be free from partisan politics and for it to be run by serious, competent individuals. They seem to have a slightly different view today. From her extremism to her lack of candor, Ms. Clarke is unfit to lead any organization in the Department of Justice—indeed, simply to serve the Department of Justice. If the Democratic Senators vote to confirm Ms. Clarke, they will be responsible for every battle she wages in Joe Biden's war on the police, and I will make sure that their voters know about it.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Madam President, I ask unanimous consent to speak for 15 minutes before the rollcall vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Madam President, it was 1 year ago today. It was a street corner in the city of Minneapolis, the corner of 38th and Chicago Avenue. For 9 minutes and 29 seconds, Derek Chauvin, a Minneapolis policeman, knelt on George Floyd's neck. As he knelt on his neck, he stared into a camera with a look that haunts me to this day. Those 9 minutes and 29 seconds took George Floyd's life and changed America's national conversation about law enforcement. Those 9 minutes and 29 seconds sparked a global movement and compelled us to bear witness to the reality of racial injustice in our country.

In this Senate we are in a privileged position to face that reality and to continue America's long, sometimes bitter march toward equal justice under the law. That is why I rise today in support of Kristen Clarke's nomination to be Assistant Attorney General for the Civil Rights Division of the Department of Justice.

It is worth noting the history of this position. The Civil Rights Division is one of the most important components of the Justice Department. The Attorney General's Office has existed since 1789. The Justice Department itself was not created until after our Civil War.

During the days of Reconstruction, after that war, our Nation resolved to

take new steps to form a more perfect Union through the 13th Amendment's abolishing slavery, the 14th Amendment's guarantee of due process and equal protection, and the 15th Amendment's protection of all citizens' fundamental right to vote.

The Department of Justice was created after the passage of those amendments and entrusted with the responsibility to defend the rights of Americans, particularly the newly emancipated, formerly enslaved Americans.

Given the Department's immediate imperative to protect and preserve civil rights, President Ulysses S. Grant appointed Amos Akerman to be the first Attorney General to lead this new Department. Why? He had extensive experience in prosecuting voter intimidation as the U.S. attorney in the State of Georgia.

More than 150 years later, the Civil Rights Division of the Justice Department now is entrusted with that constitutional responsibility. The Division enforces Federal statutes prohibiting discrimination based on race, color, sex, sexual orientation, gender identity, disability, religion, national origin, and citizenship status.

And just as President Grant appointed a legal expert with a breadth of experience to lead the newly formed Justice Department in 1870, today, President Joe Biden has chosen Kristen Clarke to take up the mantle as the head of the Civil Rights Division. With her breadth of experience defending the civil rights of all Americans, Kristen Clarke is singularly qualified to lead this Division, particularly at this moment in history.

Kristen Clarke will be the first Senate confirmed woman of color to do so—the first.

When I listen to the caricatures that are portrayed on the floor of the Senate about this woman, I find it hard to believe they are talking about the Kristen Clarke that we met in open Senate hearings.

We know what happened to the Civil Rights Division under President Trump. Under President Trump and Attorneys General Sessions and Barr, the Civil Rights Division was devastated. Over the past 4 years, the Division rescinded guidance protecting transgender students, prohibited the use of consent decrees for local police departments that had engaged in systemic misconduct, and abandoned the prior legal positions supporting Americans' fundamental right to vote.

I believe America needs a Civil Rights Division that vigorously defends the civil rights of all Americans. Kristen Clarke is the legal expert we need to restore and reinvigorate the Civil Rights Division.

You wouldn't know it from the characterizations on the other side about her experience, but, notably, she is a veteran of two of its sections. She began her legal career defending voting rights in the Voting Section and later prosecuted hate crimes in the Division's Criminal Section. She personally

understands the key role the Division's line attorneys play in protecting civil rights.

Since leaving the Civil Rights Division, Ms. Clarke has continued defending civil rights in State government and national civil rights organizations. First, Ms. Clarke co-led the NAACP Legal Defense and Educational Fund's voting rights work, litigating voting rights cases under the Voting Rights Act and the National Voter Registration Act. Then she served as a civil rights official for the New York State Attorney General's Office, where she played a key role in launching a religious rights initiative to address faith-based discrimination.

When you listen to those assignments and the fact that this woman was chosen to head these divisions, how can it possibly square with some of the caricatures that have been drawn on the floor today about who she is?

Most recently, Ms. Clarke was chosen to lead the Lawyers' Committee for Civil Rights Under Law. Those of us who follow this closely know it is one of the most preeminent civil rights groups in America. During her tenure, the Lawyers' Committee has taken on a huge caseload and doubled in size to address the most pressing civil rights issues of our time, including hate crimes.

Here is the part that I want to make a special emphasis on. Both Vanita Gupta and Kristen Clarke have extensive endorsements from law enforcement organizations. Yet, when they were characterized on the floor of the Senate by their critics, they were characterized as haters of police and law enforcement. It just mystifies me how Senators can come to the floor knowing these organizations and believe that these two women have hoodwinked them into believing that they support law enforcement. The women and men in law enforcement aren't pushed around and aren't easily deceived. They have endorsed these two women, and today we address Kristen Clarke's nomination because of the records they have written, not over a period of days or weeks or months but years and in some cases decades, that they have written.

Consider this statement from Sheriff David Mahoney from Dane County, WI, recently stepped down from the National Sheriffs' Association.

Let me quickly add, the National Sheriffs' Association is a powerful organization, and it is one that isn't pushed around by any politicians.

Sheriff Mahoney wrote—and I want to quote his words after some of the outrageous charges that have been made against Ms. Clarke this afternoon. Sheriff Mahoney wrote: "Building trust between law enforcement and communities is essential for law enforcement to effectively serve all members of our community. It is with this in mind that I strongly support Kristen Clarke. Ms. Clarke has built trust in every stage of her career."

Does that sound like someone who wants to defund the police? Do you think that this Sheriff Mahoney from Dane County in Wisconsin would say that about someone who wants to defund police?

He went on to say: "When she was a federal prosecutor as a young attorney, she gained the trust of federal agents and domestic violence survivors and crime victims. When she was the Chief of the Civil Rights Bureau in the New York State Attorney General's office, she built trust among New Yorkers to protect their rights, and with the Lawyers' Committee, she gained the trust of hate crimes victims and survivors."

She has so many endorsements from law enforcement groups and from prosecutors. I am not going to read them all into the RECORD.

Madam President, I ask unanimous consent to have letters of support for Ms. Clarke printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

NATIONAL ORGANIZATION OF  
BLACK LAW ENFORCEMENT EXECUTIVES,  
*January 30, 2021.*

Hon. CHARLES E. SCHUMER,  
*Majority Leader, U.S. Senate,*  
*Washington, DC.*

Hon. RICHARD J. DURBIN,  
*Chairman, Committee on the Judiciary,*  
*U.S. Senate, Washington, DC.*

Hon. MITCHELL MCCONNELL,  
*Minority Leader, U.S. Senate,*  
*Washington, DC.*

Hon. CHARLES E. GRASSLEY,  
*Ranking Member, Committee on the Judiciary,*  
*U.S. Senate, Washington, DC.*

DEAR MAJORITY LEADER SCHUMER, MINORITY LEADER MCCONNELL, CHAIRMAN DURBIN, AND RANKING MEMBER GRASSLEY: The National Organization of Black Law Enforcement Executives (NOBLE) formally acknowledges the work and commitment to service that has been exhibited by Ms. Kristen Clarke. She is a long-time partner of NOBLE and the recipient of our 2016 Civil Rights Justice by Action Award.

Ms. Clarke has displayed the qualities of leadership, empathy, excellence, and persistence in supporting and defending the U.S. Constitution while ensuring equal protection and justice for all Americans. This has been exhibited countless times in roles such as President of the Lawyers' Committee for Civil Rights Under Law and Manager of the Civil Rights Bureau of the New York Department of Law.

It is NOBLE's belief that Ms. Clarke will help to ensure the delivery of its mission which is to ensure equity in the administration of justice in the provision of public service to all communities, and to serve as the conscience of law enforcement by being committed to Justice by Action.

In closing, this correspondence acts as a formal endorsement of Ms. Kristen Clarke as the next Head of the U.S. Department of Justice Civil Rights Division.

Sincerely,

DWAYNE A. CRAWFORD,  
*Executive Director.*

MAJOR CITIES CHIEFS ASSOCIATION,  
*February 3, 2021.*

Hon. LINDSEY GRAHAM,  
*Chairman, Committee on the Judiciary,*  
*U.S. Senate, Washington, DC.*

Hon. DIANNE FEINSTEIN,  
*Ranking Member, Committee on the Judiciary,*  
*U.S. Senate, Washington, DC.*

DEAR CHAIRMAN GRAHAM AND RANKING MEMBER FEINSTEIN: The Major Cities Chiefs Association, a professional organization of police executives representing the largest cities in the United States and Canada, is proud to endorse President Biden's nominations of Lisa Monaco to serve as Deputy Attorney General, Vanita Gupta to serve as Associate Attorney General, and Kristen Clarke to serve as Assistant Attorney General for Civil Rights.

The Department of Justice (DOJ) has been tasked with addressing a complex set of issues, including police reform, criminal justice reform, violent crime, and domestic extremism. The team President Biden has nominated is immensely qualified for this responsibility. The nominees have decades of experience serving in senior leadership roles within DOJ, other elements of the justice system, the private sector, civil rights and civil liberties organizations, and other key stakeholder groups. This experience will be invaluable as they work to tackle the many challenges facing DOJ.

In conversations with MCCA leadership, the nominees listened intently to our concerns and expressed a desire to collaborate closely with the MCCA. They indicated that open lines of communication and MCCA input are critical in addressing shared priorities such as advancing constitutional policing, improving officer health and wellness, and combatting the rise in violent crime currently occurring across the country.

President Biden's DOJ nominees also made it clear that they neither support defunding the police nor believe that doing so will bring about the change our communities are calling for. They pledged to work closely with the MCCA to support and amplify the efforts already underway by many local law enforcement agencies to develop and implement policies and practices that are fair, equitable, transparent, and build trust and legitimacy with all members of the community.

The MCCA believes these nominees will be effective leaders and valuable partners for local law enforcement agencies. On behalf of the MCCA membership, I respectfully request the Committee act swiftly and support the nominations of Ms. Monaco, Ms. Gupta, and Ms. Clarke.

Sincerely,

ART ACEVEDO,  
*Chief, Houston Police Department,*  
*President, Major Cities Chiefs Association.*

HISPANIC AMERICAN POLICE  
COMMAND OFFICERS ASSOCIATION,  
*February 6, 2021.*

Hon. CHARLES E. SCHUMER,  
*Majority Leader, U.S. Senate,*  
*Washington, DC.*

Hon. RICHARD J. DURBIN,  
*Chairman, Committee on the Judiciary, U.S.*  
*Senate, Washington, DC.*

Hon. MITCH MCCONNELL,  
*Minority Leader, U.S. Senate,*  
*Washington, DC.*

Hon. CHARLES E. GRASSLEY,  
*Ranking Member, Committee on the Judiciary,*  
*U.S. Senate, Washington, DC.*

DEAR MAJORITY LEADER SCHUMER, MINORITY LEADER MCCONNELL, CHAIRMAN DURBIN, AND RANKING MEMBER GRASSLEY: The Hispanic American Police Command Officers Association (HAPCOA) wishes to support and recommend the nomination of Ms. Kristin

Clarke to the position of Head of the US Department of Justice Civil Rights Division.

HAPCOA is the oldest and largest association of Hispanic American command officers from law enforcement and criminal justice agencies at the municipal, county, state, school, university and federal levels.

HAPCOA's mission is to "empower the future of law enforcement" by assisting law enforcement, criminal justice and community organizations nationwide in their efforts to recruit, train, mentor and promote qualified Hispanic American men and women committed to a career in the criminal justice arena and to the communities in which they serve and protect.

HAPCOA acknowledges the work ethic and commitment of Ms. Clarke and believe that she will be an effective leader as the next Head of the DOJ Civil Rights Division.

Sincerely,

ANTHONY CHAPA,  
*Executive Director*

DANE COUNTY SHERIFF'S OFFICE,  
*April 29, 2021.*

Hon. CHARLES E. SCHUMER,  
*Majority Leader, U.S. Senate,*  
*Washington, DC.*

Hon. MITCH MCCONNELL,  
*Minority Leader, U.S. Senate,*  
*Washington, DC.*

Hon. RICHARD J. DURBIN,  
*Chairman, Committee on the Judiciary,*  
*U.S. Senate, Washington, DC.*

Hon. CHARLES E. GRASSLEY,  
*Ranking Member, Committee on the Judiciary,*  
*U.S. Senate, Washington, DC.*

DEAR MAJORITY LEADER SCHUMER, MINORITY LEADER MCCONNELL, CHAIRMAN DURBIN AND RANKING MEMBER GRASSLEY: I write to express my strong support for Kristen Clarke, the President's nominee to serve as Assistant Attorney General of the Civil Rights Division.

I serve as the Sheriff in Dane County, Wisconsin. I was first elected to this position in 2006 and have served four terms in office, and have over 40 years of service in law enforcement. Our office serves the city of Madison, the capital of Wisconsin, and its surrounding cities and towns. I also serve as President of the National Sheriffs' Association, an organization I hold in very high regard.

Building trust between law enforcement and communities is essential for law enforcement to effectively serve all members of our community. This overarching value is a bedrock principle that has guided my stewardship of the Sheriff's office, and is shared by law enforcement leaders all across the country. This bedrock value is also important to federal law enforcement leaders, who partner with state and local law enforcement to promote public safety and build public trust.

It is with this in mind that I strongly support Kristen Clarke, the President's Civil Rights Division nominee. Ms. Clarke has built trust at every stage of her career. When she was a federal prosecutor as a young attorney, she gained the trust of federal agents and domestic violence survivors and crime victims. When she was the Chief of the Civil Rights Bureau in the New York State Attorney General's office, she built trust among New Yorkers to protect their rights to practice their faiths, to allow for language access, and to protect against discrimination at work. When Ms. Clarke left government service to lead the non-profit Lawyers' Committee of Civil Rights Under Law, Ms. Clarke gained the trust of hate crimes victims and survivors, to ensure that they could obtain justice against their perpetrators.

As a tireless advocate for those who have been targeted by inequality, hate, and discrimination, Ms. Clarke is exactly the type of person who should be charged with guard-

ing and enforcing this country's core federal civil rights laws. She is an exemplary lawyer and leader who possesses the character, qualifications, and commitment to lead the Civil Rights Division.

I urge you and your colleagues to support Ms. Clarke's nomination.

Thank you for your consideration.

Sincerely,

DAVID J. MAHONEY,  
*Sheriff, Dane County, Wisconsin.*

Mr. DURBIN. The point I am trying to make is this: At this moment in history, filling this Division, the Civil Rights Division, on the anniversary of George Floyd's murder on the streets of Minneapolis, we are choosing the first woman of color in the history of the United States to head this Division. It is a historic choice. It shouldn't be trivialized by those who want to paint a caricature of this woman not even close to the truth. It shouldn't be trivialized by ignoring the many endorsements she rightfully received because of her good life's work, having spent her entire career defending the civil rights of all Americans.

Ms. Clarke is the right person for the job. President Joseph Biden believes that. The Attorney General believes it, and I believe it as well. At a time when we have seen an appalling rise in hate crimes, we need someone with her experience to head this Division.

I urge my colleagues to take note of the continued need for the Civil Rights Division to do its important work 150 years after its creation. Given that need and Ms. Clarke's breadth and depth of experience, I urge all of my colleagues to vote in favor of her nomination.

I yield the floor.

#### VOTE ON CLARKE NOMINATION

The PRESIDING OFFICER. Under the previous order, all postcloture time has expired.

The question is, Will the Senate advise and consent to the Clarke nomination?

Mr. WHITEHOUSE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Louisiana (Mr. KENNEDY).

The result was announced—yeas 51, nays 48, as follows:

Rollcall Vote No. 203 Ex.]

#### YEAS—51

Baldwin	Durbin	Manchin
Bennet	Feinstein	Markey
Blumenthal	Gillibrand	Menendez
Booker	Hassan	Merkley
Brown	Heinrich	Murphy
Cantwell	Hickenlooper	Murray
Cardin	Hirono	Ossoff
Carper	Kaine	Padilla
Casey	Kelly	Peters
Collins	King	Reed
Coons	Klobuchar	Rosen
Cortez Masto	Leahy	Sanders
Duckworth	Lujan	Schatz

Schumer	Stabenow	Warnock
Shaheen	Tester	Warren
Sinema	Van Hollen	Whitehouse
Smith	Warner	Wyden

#### NAYS—48

Barrasso	Graham	Portman
Blackburn	Grassley	Risch
Blunt	Hagerty	Romney
Boozman	Hawley	Rounds
Braun	Hoeven	Rubio
Burr	Hyde-Smith	Sasse
Capito	Inhofe	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Lankford	Shelby
Cotton	Lee	Sullivan
Cramer	Lummis	Thune
Crapo	Marshall	Tillis
Cruz	McConnell	Toomey
Daines	Moran	Tuberville
Ernst	Murkowski	Wicker
Fischer	Paul	Young

#### NOT VOTING—1

Kennedy

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

The Senator from Kansas is recognized.

#### CORONAVIRUS

Mr. MARSHALL. Madam President, I am here today to talk about the origins of the COVID-19 virus. I want to stop and thank the scientists and journalists who risked and in some instances gave their lives to get the genetic sequence of the virus and some hints of its origin out to the rest of the world to give us a fighting chance.

I also want to thank the NIH and Dr. Francis Collins, whose team was able to stabilize the virus within a matter of weeks and share that technology with the world. This helped to quickly launch the success of Operation Warp Speed, as well as other research for testing, anti-virals, and vaccines.

But now here we are 16 months into the most catastrophic health disaster of our lifetime, and we still have more questions than answers. At least 3 million lives have been claimed by the virus, and we still don't know its origin. More specifically, we don't know its geographical or biological origin. The world deserves to know and needs to know where and how it started. Was it naturally occurring, or was it made in a lab?

I am here today to tell you, the preponderance of evidence suggests that this virus leaked from a lab in Wuhan. But first let's look at the mounting evidence suggesting that COVID-19 is truly a supervirus, the product of lab manipulations, including viral gain of function. In order to do this, we need to look at the world history of two similar events and the great work of scientists surrounding the containment of SARS in 2002 and MERS in 2012.

For SARS, it took 4 months to find an intermediate host, a civet, a raccoon-looking mammal. Yes, it only took 4 months to prove that the SARS virus went from a bat to a civet to a human. Significantly, scientists found 24 viral ancestors to SARS, as the virus

spontaneously mutated from a virus that would not easily attach to human cells into a more lethal virus.

For MERS, it only took 9 months to find the virus occurring naturally in bats, and the intermediate host was camels.

Yet, with COVID-19, here we are some 16 months later, and we have no intermediate host and no COVID-19 found in a live bat. The Chinese tell us they tested over 80,000 viral sequences and have come up empty. Coincidence?

No precursors, no grandfather or great-grandfathers, nothing close to resembling COVID-19 has been found in nature. As a matter of fact, the closest virus we know of to COVID-19 is RaTG13, which has called the Wuhan Institute of Virology home for several years. This virus was supposedly from bats in Yunnan and transported by scientists to the Wuhan viral lab, but of course the Chinese won't hand the virus over to the world now for further study.

Is it possible that RaTG13 could have been manipulated into COVID-19? Some experts would say yes. And we know, based upon the words of the WIV researcher, Dr. Shi, that the WIV had eight similar viruses to RaTG13, but China won't share those either. What are they hiding?

Here is another interesting feature of COVID-19. It likes humans more than bats. As a matter of fact, it doesn't harm bats. So the CCP propaganda claims this virus comes from bats, but it doesn't like bats. Riddle me that.

Furthermore, no ancestors of COVID-19 have been found. Recall what typically occurs in nature is multiple mutations, just like with the SARS infection. We should be able to find multiple mutations as the virus goes from bat loving, to an intermediate liking animal, to human liking, to human loving. We would certainly welcome contrary evidence from the Wuhan labs.

Now if you will, forgive me for being a bit of a biology lover, but as a physician, I think we have to consider just how utterly ferocious and seemingly too perfect for nature this virus really is.

COVID-19 has a very unique spike protein made up by two units. The first unit has an amazing affinity for human lung cells. It sticks like glue to human lung cells even if you only get a small whiff of it, and it uses the same human lung receptor that researchers in the United States and WIV have been working on together for viral gain of function and similar lab techniques for years. Perhaps this is just another coincidence.

To be fair, I really do think all the research has been done with the best of intentions to develop vaccines for a possible future epidemic. For all I know, the research already done may have significantly sped up the success of Operation Warp Speed.

Next we need to discuss one last point about this protein spike and how

it interacts with human lung cells. And if there is a smoking gun, this is it. Remember I talked about this spike, this crown having two components, two units. Well, it just so happens that the human lung cell has a special cleaver, a cleaver that can recognize—you guessed it—a perfect spot on the COVID-19 spike. Bats don't have this ability, but human lung cells do.

Anyway, what happens is, after the COVID-19 virus attaches to the human lung cell like glue, the human lung cell cleaves the COVID-19 in this perfect spot, and only after this cleavage occurs can the virus dump its genetic makeup into the human cell and take over the human genetic machinery.

Now, just don't forget your ninth grade biology class. A virus needs another organism to reproduce, and this COVID-19 virus, once it grabs a human lung cell, it is not letting go until it takes over and starts to multiply like rabbits. After one cell grabs hold and dumps its genetic content, a chain reaction occurs that really reminds me of a nuclear chain reaction. Once viral replication ignites, it is next to impossible to stop.

There are more microbiology nuances we could talk about and why this supervirus is not seemingly a virus from Mother Nature, but I think you get my point. Yes, I could be wrong. I hope I am wrong. But only the Wuhan labs have the data to prove me wrong, and I am afraid the data that would prove me right or wrong has been forever destroyed.

The geographical origination of this virus is much less complex to discuss. Today, all evidence points to the geographical start of this virus from or in very close proximity to the Wuhan labs. The wet market origination theory has been completely dismantled and is really nothing more than the usual CCP propaganda and coverup that we have all seen too often.

Now we know without any doubt that multiple infections predated the January 2020 event surrounding the wet market theory, and all these infections can be traced to a close proximity of the Wuhan labs. In fact, U.S. intelligence reports recently confirmed what we have known for months—that some WIV researchers were hospitalized as early as the fall of 2019.

Just to be clear, these bats that are known to harbor this family of viruses have a range of some 50 miles but live in caves in Yunnan Province approximately 1,000 miles away from Wuhan. The chances of a bat carrying this highly infectious virus 1,000 miles away without leaving a trail of infections between Yunnan and the WIV would be like the same person walking from New York to Kansas and being struck by lightning seven times and surviving.

Again, China has the evidence to prove these theories wrong, and I welcome that data. As a physician, a Senator, a father, and a grandfather, we have to assume and prepare for the worst and judge the situation based

upon the body of evidence that best describes this event. We have to get to the bottom of this regardless of whose fault it is or isn't. We will need to know how to forgive. We will need to make others take responsibility. But what we can't do is keep burying our heads in the sand, which is why I am calling on the U.S. delegation to the World Health Assembly meeting this week to do everything in their power to ensure that a full and unrestricted international scientific and forensic investigation into the origins will be authorized and also for a parallel comprehensive, bipartisan Senate investigation into the origins as well.

When that is finished, we need to take up the guardrails for viral gain-of-function studies. But in the meantime, the American people—really the entire world—deserve to know the answers to the origins of the COVID-19 virus.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

S. 1260

Mr. SANDERS. Madam President, I want to rise to say a few words about the U.S. Innovation and Competition Act, which we are debating today. I think that the thrust of that act and what we are trying to accomplish is enormously important.

Right now, as I think most people know, we have a crisis in terms of microchip production here in the United States, and we are becoming increasingly dependent upon countries all over the world. For our own manufacturing sector—the automobile sector, the electronics sector—that is a very bad position to be in, and also, obviously, being dependent on other countries for microchips is a dangerous place to be in terms of national security.

I especially like provisions in this legislation which will increase funding for research and development, increase funding for science and technology, and invest in more Ph.D.s. We need more Ph.D.s in our country in science, technology, engineering, and math. I think those are very important steps in the right direction.

But I do have some very serious concerns about two provisions in this bill. No. 1, I am deeply concerned about the provisions which will provide \$52 billion in emergency appropriations for the microchip industry, with no strings attached. Let me repeat that. We are talking about \$52 billion in Federal funds—and, by the way, I suspect there will be more taxpayer money coming to these corporations from State and local government—with no strings attached. And, second of all, there is a provision in this bill, not an appropriation but an authorization, to provide some \$10 billion to the Blue Origin space company, which is owned by the wealthiest person in the world, Mr. Bezos.

When we talk about the microchip industry, we are talking about an industry that is not a poor, struggling industry. In fact, it is an extremely successful and wealthy industry that is worth now more than half a trillion dollars—more than \$500 billion. We are talking about an industry, interestingly enough, that, at the same time we are now trying to provide corporate welfare to them, is an industry that has shut down over 780 manufacturing plants in the United States over the past several decades and laid off 150,000 American workers. So what you have is a situation that, over the last two decades, these very large corporations said: Why do I want to stay in the United States of America, pay workers here a living wage, protect environmental standards? I can go to companies in Asia and elsewhere and buy my products from them. The result, again, is 780 manufacturing plants in the last several decades have shut down in America, and 150,000 American workers were laid off.

Now, let's talk about how we don't know exactly—nobody does—where this \$52 billion in corporate welfare is going to go. But, obviously, it will go to some of the larger microchip companies, and one of the very largest is Intel.

Let me say a word about Intel. Last year, Intel made nearly \$21 billion in profits. So we are proposing to provide many billions of dollars to a company that, last year, made \$21 billion in profits. They spent \$14.2 billion on stock buybacks—\$14.2 billion on stock buybacks. And, by the way, this company which is in line for a major infusion of U.S. taxpayer money, provided \$110 million signing bonus to its CEO, Patrick Gelsinger.

Since 2015, this very same company, Intel, has shipped over 1,000 jobs overseas. Now, interestingly enough, Intel's CEO has admitted recently that it does not need corporate welfare. Let's give them credit for that. The CEO recently said his investment in America "does not depend on a penny of government support or state support or any other investments to make it successful and never will." They are prepared to do it on their own, which is what we hope most private corporations would do.

Now, among the other very large, leading microchip companies is the well-known Texas Instruments. They may well be in line to receive billions of dollars in corporate welfare as well under this piece of legislation.

Last year, Texas Instruments made \$5.6 billion in profits and spent \$2.5 billion buying back its own stock, while it has outsourced thousands of jobs to low-wage countries. The CEO of Texas Instruments made over \$30 million in total compensation last year—more than 400 times what the median worker at that company made. And this is also another company in line to receive billions and billions of dollars in Federal corporate welfare.

Who else might receive corporate welfare under this bill? Well, how

about the major semiconductor company from Taiwan called the Taiwan Semiconductor Manufacturing Company, or what is often referred to as "TSMC," which is a very, very, very large microchip company. It is interesting to note who is the largest shareholder in that company. Well, it should not surprise anybody because this is how countries around the world do industrial policy, but the largest shareholder in TSMC is the Government of Taiwan. So when you give TSMC money, you are giving that money directly to the Government of Taiwan.

Samsung, another very large corporate entity, South Korean, it owns several plants in Texas. So what we are looking at here is a reality where taxpayer money from working people in this country will be going to large, profitable corporations, and several of them are owned literally by other entities.

In total, the top five semiconductor companies that may well receive grants under this legislation made nearly \$35 billion in profits and spent more than \$18 billion buying back its own stock last year.

So here is the bottom line. I believe that we do want to grow the microchip industry here in the United States of America for reasons that everybody is familiar with. That is the industry that we need if we are going to grow the automobile industry, the electronics industry, and every other industry in this country. And we need to not be dependent upon China and other countries for the microchips that are used in these products.

So I am sympathetic to the goal of this bill, but I am not sympathetic with the idea of simply laying out \$52 billion of taxpayers' money with no strings attached.

That is why I have introduced Senate amendment No. 2016. This amendment would prevent microchip companies from receiving taxpayer assistance unless they agree to issue warrants to the Federal Government.

If private companies are going to benefit from over \$52 billion in taxpayer subsidies, the financial gains made by these companies must be shared with the American people, not just wealthy shareholders. In other words, all this amendment says is that if these companies want taxpayer assistance, we are not going to socialize all of the risks and privatize all of the profits.

And let me be very clear; this is not a radical idea. This is not something that I made up or any other Senator made up. These exact conditions were imposed on corporations that received taxpayer assistance in the bipartisan CARES Act, which passed the Senate 96 to 0. In other words, every Member of the U.S. Senate has already voted for the conditions that are in the amendment that I cosponsored by Senator WARREN, by the way. They are in the amendment that we are offering.

Further, this amendment will also require companies—again, all of this

was in the CARES Act. Every Member or at least 96 Members of the Senate voted for these conditions—not a new idea. So in addition to making sure that companies allow for warrants, it would be demanded that they could not buy back their own stock, not outsource American jobs overseas, not repeal existing collective bargaining agreements, and remain neutral in any union organizing effort.

Again, these are not new ideas, not radical ideas. All of these conditions are identical to the conditions that were placed in the CARES Act, which passed 96 to nothing.

I also want to say a word about the provision in there that authorizes \$10 billion for Blue Origin, a company owned by Mr. Bezos.

You know, when we were younger and Neil Armstrong made it to the Moon, there was incredible joy and pride in this country that the United States of America did something that people forever had thought was impossible. We sent a man to the Moon, an extraordinary accomplishment. And the entire world watched that event with bated breath. It was just an extraordinary accomplishment for all of humanity, not just the United States, but we have a special pride because that was our project.

I worry very much that what we are seeing now are two of the wealthiest people in this country—Mr. Musk, Elon Musk, and Mr. Bezos—deciding that they are going to take control over our space efforts to get to the Moon and maybe even the extraordinary accomplishment of getting to Mars. What an accomplishment that would be.

But I have to tell you that I have a real problem that, to a significant degree, we are privatizing that effort. So that as a nation, we will not sit with pride in saying we did it but instead saying, well, maybe Mr. Bezos or maybe Mr. Musk sent somebody to the Moon or maybe even to Mars. This is something that should be an American effort, that all of us should be part of and not simply be a private corporation undertaking. So I have a real problem with the authorization of \$10 billion going to somebody who, among other things, is the wealthiest person in this country.

So what I hope very much is that my amendment will be a part of the managers' amendments. I suspect there are Republicans who often tell us about wanting to save taxpayer dollars and not just throw them about who would be sympathetic to this effort, and I know there are a number of Democrats who are as well. So I would hope very much that my amendment No. 2016, which will be modified to just include provisions that were in the CARES bill, that it will be included in the managers' amendments that we will be voting on shortly.

With that, I leave the microphone.

The PRESIDING OFFICER. The Senator from Texas.



Mr. CORNYN. Madam President, Texas has always been a proud supporter of an “all of the above” energy strategy. We are often recognized as an oil and gas powerhouse, which we are, but most folks don’t know that we are the No. 1 producer of energy from wind, the No. 1 renewable resource. In fact, we now produce one-quarter of all wind energy in the United States. So if Texas were a country—and my friend from Vermont may be interested in this—we would be the fifth largest wind energy producer in the world.

Mr. SANDERS. I did know that.

Mr. CORNYN. And we don’t have any plans of stopping there. We are also making serious strides in energy innovation.

A couple of years ago, I visited the NET Power plant in La Porte, TX, right outside of Houston. NET Power is significant because it has developed a first-of-its-kind power system that generates affordable zero-emissions electricity. Using their unique carbon capture technology, they have taken natural gas, one of the most prevalent and affordable energy sources, and made it emission-free. That is what innovation can produce: emission-free electricity from natural gas.

As impressive as this project is, though, it is made even better by the fact that it is not unique. Private companies are harnessing the power of human ingenuity to make our most used energy sources emission-free. Earlier this year, for example, ExxonMobil announced a \$100 billion carbon capture and storage project in the Houston area, otherwise known as the energy capital of the world. This would create a carbon capture innovation zone to significantly reduce carbon emissions.

ExxonMobil estimates this project has the potential to store up to 100 million metric tons of carbon per year by the year 2040. A decade later, Houston could be carbon-neutral.

These kind of developments, I think, are incredibly exciting, and they showcase, once again, the power of innovation not by the government but by the private sector.

If we are able to reduce emissions without harming our energy security, raising taxes, killing high-paying jobs, or driving up costs to consumers on a fixed income, why wouldn’t we? Breakneck changes in technology have fueled our economy, propelled the communications sector, and completely transformed our daily lives.

It is time to harness American ingenuity to revolutionize the energy sector. Smart policies can’t prioritize only conservation, productivity, or economic power. We need to strike a balance of all three. You are simply not going to achieve the balance by imposing heavy-handed regulations or making it more expensive. Unfortunately, that seems to be exactly the path our Democratic colleagues in the Finance Committee want to take.

Over the last couple of years, we have seen no shortage of unrealistic and

downright harmful policies that are advocated for in the name of reducing carbon emissions. Some of our colleagues have proposed everything from the socialist paradise that is the Green New Deal to a more targeted but no more realistic net zero emissions bill.

Tomorrow, as I suggested, the Finance Committee will mark up the latest proposal, legislation introduced by Chairman WYDEN known by the innocuous name of the Clean Energy for America Act. But the bill is anything but innocuous. The bill proposes a complete overhaul of the energy tax code to finance the full gamut of clean energy policies. At its core, though, it is an anti-fossil fuel bill.

Given the fact that more than 60 percent of our electricity is generated by fossil fuels, that strikes me as a pretty radical position to take. This proposal uses a variety of tax increases to place a squeeze on fossil fuel producers and to push America toward renewables, which accounted for no less than 20 percent of our energy production last year. In other words, they want to push us into the renewable space that only accounted for 20 percent of our energy production—completely unrealistic.

This proposal would drive up costs for American energy producers and consumers, who would be the ones ultimately footing the bill. Namely, senior citizens and those on fixed incomes would be the ones hurt the most.

I also have serious concerns about how this dramatic shift would impact our energy security. The higher cost of domestic oil would, once again, make the United States rely on countries like Russia, Iran, and Venezuela for our energy needs, and obviously we can all see the dangers that would produce.

Our friend John McCain aptly described Russia at one time as “a gas station masquerading as a country.” Well, that was pretty funny, but it is also pretty accurate. Having the United States and our other allies over a barrel because of lack of energy diversification and domestic production gives them a lot of power—and too much power.

We know what it has been like for recent decades before we became more self-sufficient when it came to energy production. I remember, back in 1980, Jimmy Carter famously issued the Carter doctrine after the Soviets invaded Afghanistan. He suggested that if anyone, any country, any adversary of the United States were to blockade the Strait of Hormuz, it would be an act of war because the oil that flowed through the Strait of Hormuz was essential for our national security and our economy.

So why in the world would we want to return to those bad old days when we were dependent on imported energy? Well, this issue was further underscored in 2009, when Russia effectively turned off the gas in Ukraine for almost 3 weeks. This affected at least 10 countries in Europe whose natural gas flowed through that pipeline in Ukraine.

If these tax hikes slowly strangle U.S. energy companies, we could end up in the same position: dependent on others for our basic energy needs. After years of building our energy independence and strengthening our energy security, now is not the time to turn back the clock. We simply should not put ourselves in a position where we are reliant on any other country, let alone our adversaries, to keep our lights on and to keep our economy humming.

And the consequences don’t stop there. Beyond harming our energy security, the legislation that the Finance Committee will consider tomorrow would kill countless high-paying jobs. It would weaken our global competitiveness and reverse the economic gains we have made because of a thriving oil and gas industry. And that is just scratching the surface of this misguided bill.

One of the most outrageous provisions, though, is the electric vehicle tax credit proposal. We all know that out of the 280 million cars on the road in America, the vast majority of Americans drive cars that run on gas or diesel. When they fill up their tank at the gas station, they pay a user fee, or a tax, on every gallon they buy. Some of that money goes into the highway trust fund, the pot of money that pays to build and repair the roads and bridges we drive on every day. As we all know, though, the highway trust fund is in dire straits. Unless something changes, the shortfall over the next decade is expected to be nearly \$200 billion.

Those who drive electric cars don’t buy gasoline, obviously. They don’t contribute to the highway trust fund. They don’t pay anything to drive on the roads and bridges every other American has to pay for and ultimately subsidizes.

The proposal by the chairman of the Finance Committee doubles down on this problem and makes Americans do even more to subsidize the pricey electric vehicles owned by wealthy consumers. This legislation extends electric vehicle incentives, which will come at the cost of other taxpayers, without addressing the fact that electric vehicles are already driving on taxpayer-funded roads virtually free of charge. This is incredibly expensive and benefits only a limited group of wealthy Americans.

Let’s compare the cost of this program to the carbon capture projects I mentioned. Current electric vehicle subsidies equate to spending about \$455 for every ton of CO<sub>2</sub> that is reduced. As a reminder, this applies only to emission reduction for cars. Electric vehicle subsidies have zero bearing on the carbon emission of the manufacturing sector, power generation, or other emission-intensive industries.

Carbon capture and storage, like the ExxonMobil project I mentioned earlier, can apply to virtually every source of emissions and at a much

lower cost. CO<sub>2</sub> can be abated for \$100 to \$200 per ton. That is less than half the price of an electric vehicle subsidy.

I support efforts to reduce carbon emissions to preserve our air, land, and water for future generations, but those efforts don't have to come at this sort of exorbitant price. You can support all energy sectors and innovation and conservation. These are not mutually exclusive.

One great example is a bill I introduced called the LEADING Act, which was signed into law last year. This legislation incentivizes the research and development of carbon capture technology for natural gas and innovation in the energy industry at large. That is how we can keep costs down for taxpayers and maintain this revolution in the energy sector.

So I will continue to push back on efforts to weaken our energy independence and harm our economy in pursuit of arbitrary goals. There is simply no reason to stick taxpayers with the bill for these unnecessary policies when there are better commonsense ways to promote both innovation and conservation.

The PRESIDING OFFICER. The Senator from Washington.

#### ORDER OF BUSINESS

Ms. CANTWELL. Madam President, I ask unanimous consent that the Senate resume legislative session; that the Senate resume consideration of S. 1260; and that the following amendments be called up and reported by number: Wyden, 1975; Crapo, 1565; Paul, 2003; Ernst, 1507; Daines, 1787; and Lee, 1891; further, that at 4:45 p.m. today, the Senate vote in relation to the amendments in the order listed with no amendments in order to these amendments prior to the vote in relation to the amendment, with 60 affirmative votes required for adoption and 2 minutes of debate, equally divided, prior to each vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

The Senate will now resume legislative session.

The Senator from Mississippi.

S. 1260

Mr. WICKER. Madam President, I would like to be recognized for a moment before we proceed.

This is an important step in the consideration of the Endless Frontier Act. We have just locked in six votes for this afternoon—two important side by sides, WYDEN and CRAPO on Finance Committee matters; a Paul amendment on the National Institutes of Health funds being used in China; an Ernst amendment on the Wuhan lab; a Daines amendment on intellectual property in China; and the Lee amendment on stem cell research.

This is a great step forward; that the Senate is proceeding this afternoon to regular order, and regular order allow-

ing Senators to come forward and offer amendments that might improve the bill is helpful. It is hoped that we can do that again tomorrow and Thursday and move toward an opportunity to pass this bill.

I would point out to my colleagues—and I know the distinguished chair of the Finance Committee will agree with this. We have locked in six 15-minute votes. In fairness, really, the five subsequent votes should be 10-minute votes. We can fool around and wander in here for hours and be here until 8 or we can begin at 4:45 and resume the practice that we had for years before we quit doing regular order in this body.

If Members will hold each other accountable and if the Chair is willing to say after a certain amount of time, if a straggler is missing, that that Senator simply has missed votes, then we can do this in an orderly fashion. I have an appointment at 5:30 that I have had to cancel. Perhaps others will have to do that too.

But we are making progress on a very substantive bill about the future of this country and moving toward competing in a better way with China. And I would suggest that maybe appointments in the early afternoon might be canceled, and we can get back to quick votes and be considerate of others, realizing that some of us may miss votes if we are late. I make that suggestion, and I thank my colleagues on both sides of the aisle for the hard work in locking in these six votes.

I yield back.

#### ENDLESS FRONTIER ACT—Resumed

The PRESIDING OFFICER. Under the previous order, the Senate will resume S. 1260, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1260) to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes.

Pending:

Schumer amendment No. 1502, in the nature of a substitute.

Cantwell amendment No. 1527 (to amendment No. 1502), of a perfecting nature.

AMENDMENT NOS. 1975, 1565, 2003, 1507, 1787, AND 1891 TO AMENDMENT NO. 1502

The PRESIDING OFFICER. Under the previous order, the following amendments will be called up and reported by number.

The bill clerk read as follows:

The Senator from Washington [Ms. CANTWELL], for herself and others, proposes en bloc amendments numbered 1975, 1565, 2003, 1507, 1787, and 1891 to amendment No. 1502.

The amendments are as follows:

#### AMENDMENT NO. 1975

(Purpose: To set forth trade policy, negotiating objectives, and congressional oversight requirements relating to the response to the COVID-19 pandemic)

At the end of title III of division F, add the following:

#### SEC. 6302. TRADE POLICY AND CONGRESSIONAL OVERSIGHT OF COVID-19 RESPONSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is imperative to promote the development and deployment of vaccines, including to address pandemics like the pandemic relating to COVID-19 and its variants;

(2) as a developed nation with a longstanding commitment to promoting global health, innovation, access to medicine, public welfare, and security, the United States will continue to use the resources and tools at its disposal to promote the distribution of life-saving COVID-19 vaccines to other countries;

(3) President Biden should continue to work with foreign governments, multilateral institutions, nongovernmental organizations, manufacturers, and other stakeholders to quickly identify and address, through targeted and meaningful action, obstacles to ending the COVID-19 pandemic, whether those obstacles are legal, regulatory, contractual, or otherwise;

(4) in any efforts to address trade-related obstacles to ending the COVID-19 pandemic, President Biden should consider how any action would complement the whole-of-government approach of the President to ending the COVID-19 pandemic worldwide, including how any action would impact competitiveness, innovation, and the national security of the United States in the short- and long-term;

(5) the President should strive to create the most appropriate balance between access to COVID-19 vaccines and therapeutics and generating an innovative environment in the United States;

(6) the President should take into account the efforts of malign nations or entities to obtain intellectual property of United States persons through forced technology transfer, theft, or espionage, and accordingly make all efforts to protect that intellectual property from such nations or entities; and

(7) in any efforts to address trade-related obstacles to ending the COVID-19 pandemic, Congress expects timely and meaningful consultations on any negotiations and any agreements or decisions reached regarding matters of concern to members of Congress and their constituents, including issues of competitiveness, innovation, and national security.

#### (b) TRADE POLICIES WITH RESPECT TO THE COVID-19 PANDEMIC.—

(1) IN GENERAL.—It is the policy of the United States to facilitate an effective and efficient response to the global pandemic with respect to COVID-19 by expediting access to life-saving vaccines, medicines, diagnostics, medical equipment, and personal protective equipment.

(2) ELEMENTS.—The United States Trade Representative shall pursue a timely, effective, and efficient response to the trade aspects of the COVID-19 pandemic, including by endeavoring to—

(A) expedite access to medicines and life-saving products through trade facilitation measures;

(B) obtain a reduction or elimination of nontariff barriers and distortions that impact the procurement of life-saving products;

(C) take action to increase access to COVID-19 vaccines globally, while avoiding providing access to intellectual property to nations or entities that seek to utilize the